

## **SUBCHAPTER A : INTRODUCTORY PROVISIONS**

### **§340.1. Purpose of Rules.**

The purpose of this chapter is to provide procedural and substantive requirements for the licensing, continuing education, and professional conduct of water well drillers and pump installers and complaint procedures in accordance with Texas Water Code, Chapters 32 and 33.

Adopted May 8, 1996  
Derived from §340.1

Effective June 6, 1996

### **§340.2. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Complainant** - A party who has filed a signed, written complaint with the commission against any party subject to the jurisdiction of the commission.

**Dewatering well** - Any artificial excavation constructed to produce groundwater to lower the water table or potentiometric surface. The term does not include a dewatering well that is used to produce or to facilitate the production of minerals under a state regulatory program.

**Dewatering well driller** - A person, including an owner, operator, contractor, or drilling supervisor, who drills, bores, cores, or constructs a dewatering well. The term does not include a person who drills, bores, cores, or constructs a dewatering well under the direct supervision of a licensed dewatering well driller and who is not primarily responsible for the drilling operation.

**Direct supervision** - The direct and continual inspection of work in connection with the drilling and/or completion of a water well.

**Groundwater** - Water below the land surface in a zone of saturation.

**Injection well** - A well into which fluids are injected including:

(A) an air-conditioning return flow well used to return water that has been used for heating or cooling in a heat pump to the aquifer that supplied the water;

(B) a cooling water return flow well used to inject water that has been used for cooling;

(C) a drainage well used to drain surface fluid into a subsurface formation;

(D) a recharge well used to replenish water in an aquifer;

(E) a saltwater intrusion barrier well used to inject water into a fresh water aquifer to prevent the intrusion of salt water into fresh water;

(F) a sand backfill well used to inject a mixture of water and sand, mill tailings, or other solids into subsurface mines;

(G) a subsidence control well used to inject fluids into a non-oil producing or non-gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water; and

(H) a closed system geothermal well used to circulate water, other fluids, or gases through the earth as a heat source or heat sink.

**Injection well driller** - A person, including an owner, operator, contractor, or drilling supervisor, who drills, bores, cores, or constructs an injection well. The term does not include a person who drills, bores, cores, or constructs an injection well under the direct supervision of a licensed injection well driller and who is not primarily responsible for the drilling operation.

**Licensed installer** - A person who holds a license for pump installation issued under this chapter.

**Monitoring well** - Any artificial excavation constructed to measure or monitor the quality and quantity or movement of substances, elements, chemicals, or fluids below the surface of the ground. The term does not include any monitoring well used in conjunction with the production of oil, gas, coal, lignite, or any other minerals. Included within this definition are environmental soil borings, piezometer wells, observation wells, and recovery wells.

**Monitoring well driller** - A person, including an owner, operator, contractor or drilling supervisor, who drills, bores, cores, or constructs a monitoring well.

**Pollution** - The alteration of the physical, thermal, chemical, or biological quality of water in a way that makes the water harmful to humans, animals, vegetation, property, or that impairs the public enjoyment of water for a reasonable purpose.

**Pump installer** - A person who installs or repairs water well pumps and equipment for hire or compensation.

**Water well** - Any artificial excavation constructed for the purpose of exploring for or producing groundwater. The term does not include any test or blast holes in quarries or mines, or any well or excavation constructed to explore for, or produce oil, gas, or any other minerals unless the holes are used to produce groundwater. The term does not include any injection water source well regulated by the Railroad Commission of Texas under Natural Resources Code, §91.101.

**Water well driller** - Any person (including an owner, operator, contractor, or drilling supervisor) who drills, bores, cores, or constructs any water well in this state. The term does not include any person who drills, bores, cores, or constructs a water well on his own property for his own use or a person who assists in the construction of a water well under the direct supervision of a licensed driller and is not primarily responsible for the drilling operations.

**Water Well Drillers Advisory Council (council)** - A nine-member council established by statute in Texas Water Code, §32.006 whose members are appointed by the commission. The council is responsible for advising the commission on matters pertaining to water well drillers and pump installers.

**Well** - A water well, injection well, dewatering well, or monitoring well.

**Well pumps and equipment** - Equipment and materials used to obtain water from a well, including the seals and safeguards necessary to protect the water from contamination.

**§340.3. Council Meetings.**

(a) The council shall hold regular meetings at the call of the chairman. Meetings shall be conducted in compliance with the Open meetings Act, Texas Government Code, Chapter 551.

(b) Officers of the council shall be elected at the first meeting of each fiscal year.

(c) Special meetings of the council may be called by the chairman at any time upon 72 hour's notice to each member of the council and may be held at any place within the State of Texas as designated by the chairman.

(d) All notices of regular or special meetings of the council shall be directed to the official residence of the members of the council as they are recorded on the official records of the council and commission.

(e) The chairman shall preside at all council meetings and shall not vote except to break a tie vote.

(f) In the absence of the chairman or vice chairman of the council, the members present shall choose one member to act as chairman.

(g) The permanent or temporary chairman may appoint any member of the council present to act for any other officer of the council who is not present.

(h) A majority of the board is a quorum for conducting business.

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**Derivation Table**  
**Chapter 340 - Licensing Requirements and Complaint Procedures for Water Well Drillers and**  
**Pump Installers**  
**Subchapter A : Introductory Provisions**

This table is to be used to track sections during and after rule revisions. The column on the left lists the current sections prior to the revision. The column on the right lists where the section is proposed to be in the final adoption.

<b>New Section</b>	<b>Old Section</b>
340.1	340.1
340.2	340.2
340.3	340.15